

## REMARKS

The Office Action in the present case mailed 07/31/2003 gave a one month response period ending 08/31/2003 and this amendment is being sent within that time period.

The office action has been carefully considered. After such consideration claims 2, 5 and 13 have been canceled and the remaining claims 1, 3- 4 and 6-12 have been amended to more clearly set forth the present invention. The subject matter of claim 2 has been included in claim 1 and the dependency of the remaining claims altered to reflect the deleted claims. The specification and abstract have been amended in replacement paragraph form as per the Examiner's suggestions.

The Examiner had indicated that the ABSTRACT did not appear on a separate sheet and required a new abstract presented on such a separate sheet. Thus a new page 23 with a new abstract has been presented with the abstract on page 22 deleted. He further indicated that the specification at page 17, line 15 should be changed from "5" to 9 and a complete sentence formed on page 2, lines 15-18. It will be noted that these requirements have been done in this amendment.

The Examiner rejected claims 1-13 under 35 USC 112 as being indefinite and not claiming the invention as described. Specifically, in claim 1 he indicated that "it should be made clear that sound wave data is acquired by displacing a transducer along the direction of propagation of the sound waves". It will be noted that claim 1 was amended to recite such a transducer location and the claim is no longer rejectable under 35 USC 112. In claim 2 the Examiner required that it should be made clear that TOF and MSC is used only if there is no reflection at the full skip location. This change

was done and the subject matter of the amended claim included in claim 1. In claim 3 he required the method to clearly and positively specify the steps which was done. He further questioned if the claim limits claim 2. It will be noted that claim 2 requires the use of TOF with MCS if full skip is missing while claim 3 requires the use of FSN if all three including full skip are present. As such claim 3 does limit claim 2. In claim 4 he required a single sentence and the steps of the FSN method to be clearly and positively recited and antecedent basis for "the Surface:" and "the UT transducer" to be provided. It will be noted that the steps are now clearly set forth and the antecedent basis provided by indicating first appearance as in "a". In claim 5 he stated that "a convenient formula" was vague and indefinite. It will be noted that the phrase has been changed to "an empirical formula" which is definite as to its origin. In claim 6 he stated the range of wall thickness was 0.050 not the range specified and the claim was amended to recite such thickness. In claim 7 he indicated the meaning of UT was not clear and the phrase was changed to ultrasonic transducer which is definite. In claim 9-13 he stated that various items had no antecedent basis since they were listed as "the". It will be noted that these items were now listed as first instance "a" and need no antecedent basis.

The Examiner rejected claim 1 under 35 USC 103 as being unpatentable over the prior art of Figs. 2-3 since the use of more accurate sizing would be obvious. It will be seen that claim 1 as amended now recites the subject matter of claim 2 which does not appear in the prior art Figs. 2-3 and as such patentably distinguishes there over and stands in allowable form. The remaining claims were not rejected over art and are thus also allowable.

In view of the foregoing the Applicants submit that they have placed the case in condition for immediate allowance and such action is respectfully requested. The drawings are informal and formal drawings will be provided upon agreement as to



allowable subject matter.

Respectfully submitted,

Vytas R. Matas, Reg. No. 26,199

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria va. 22313-1450 on:

V. R. Matas August 22, 2003  
Name of person mailing Date

JR Nels 08/22/2003  
Signature Date

RECEIVED  
SEP - 2 2003  
TECHNOLOGY CENTER 2800